

REMARKS

Claims 1-46 are pending in the application. Claims 1-46 currently stand rejected. Claims 2, 3, 11, 25, 26, and 34 have been canceled. Claims 1, 4, 6-10, 12, 14-24, 27-33, 35, and 37-46 have been amended. No new matter has been added. Upon entry of the present amendment, claims 1, 4-10, 12-24, 27-33, and 35-46 will be pending. The Applicant respectfully requests entry of the present amendments, consideration of the following remarks, and allowance of the claims.

35 U.S.C. § 103(a) Rejection (Shoaib)

Claims 1-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,161,914 (Shoaib). The Applicant respectfully traverses the rejection for at least the following reasons.

Claim 1 recites a method of operating an update messaging system. A location server receives an update message from a gateway. The update message indicates a type of message for the update message. A priority associated with the update message is determined based upon the type of message for the update message. In response to message congestion in the location server, the update message is dropped if the priority associated with the update message requires dropping the update message.

The Office Action states "...Shoaib discloses a method of operating location update/handover for a mobile device comprising: a) providing a plurality of update messages (first, second, etc.,) from one or more location servers to a mobile device via a base station wherein the first update message indicates a first type of message for the first update message (see col 2, lines 1-12)..." While the Examiner is correct that Shoaib discloses update messages made available to mobile devices by a location server, this feature does not correspond to any of the elements of claim 1.

Note that claim 1 requires that a location server receives an update message from a gateway, while Shoaib discloses that a mobile device receives an update message from a location server. These two elements are not equivalent for a number of reasons. First, a location server in claim 1 is not equivalent to the mobile device that Shoaib discloses. Second, a gateway in claim 1 is not equivalent to the location server that Shoaib

discloses. Further, the location server from claim 1 is not equivalent to the location server that Shoaib discloses.

The location server in claim 1 *receives* update messages from gateways within a communication network. These update messages may contain, among other things, the location of the gateway within the communication network. This is not necessarily a geographic location, but typically a connectivity location with respect to other devices within the communication network. Whereas, Shoaib discloses a location server that *provides* geographic locations. Also, Shoaib discloses update messages being sent *from* a location server, while claim 1 requires update messages to be sent *to* a location server. Thus, Shoaib does not disclose, teach, or suggest this limitation of claim 1 and therefore, Shoaib cannot render claim 1 unpatentable.

Still further, Shoaib does not disclose, teach, or suggest dropping any of the update messages if the priority associated with the update messages requires such a dropping. Shoaib does not teach priorities associated with the update messages, and thus cannot teach dropping the update messages according to priorities associated with the update messages. Thus, Shoaib does not disclose, teach, or suggest this limitation of claim 1 and therefore, Shoaib cannot render claim 1 unpatentable.

For at least the above reasons, Shoaib does not disclose all the elements of amended claim 1. Therefore, claim 1 should be allowed.

Independent claim 24 contains limitations similar to those of claim 1 and was rejected for the same rationale set forth for claim 1. Thus, claim 24 is allowable for at least the reasons given above in support of claim 1, and such indication is respectfully requested.

Claims 4-10 and 12-23 depend from independent claim 1, and thus include all the limitations of claim 1. Thus, claims 4-10 and 12-23 are allowable for at least the reasons given above in support of claim 1, and such indication is respectfully requested.

Claims 27-33 and 35-46 depend from independent claim 24, and thus include all the limitations of claim 24. Thus, claims 27-33 and 35-46 are allowable for at least the reasons given above in support of claim 24, and such indication is respectfully requested.

CONCLUSION

Based on the above remarks, the Applicant respectfully submits that claims 1, 4-10, 12-24, 27-33, and 35-46 in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience.

Included herewith is payment for the appropriate fee under 37 C.F.R. § 1.17(a)(2) for a two-month extension of time (37 C.F.R. § 1.136(a)). The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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SIGNATURE OF PRACTITIONER

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